

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Jose LOPEZ-Rodriguez

Case No.

2:14-mj-553

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/27/2014 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

Code Section


8 USC 1326(a) & (b)(2)

Offense Description

Being an alien, that is, a citizen of Mexico, who was ordered deported and removed from the United States on or about 01/25/2013 following convictions for Corrupt Organizations, Conspiracy and Manufacturing / Delivery / Possession with Intent to Manufacture / Deliver a Drug, Poison and /or Dangerous Substance (an Aggravated Felony), was found on or about 10/24/2014 in Columbus, Ohio, without, prior to his re-entry and at a place outside the United States, obtaining the consent of the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States.

This criminal complaint is based on these facts:

See attached affidavit

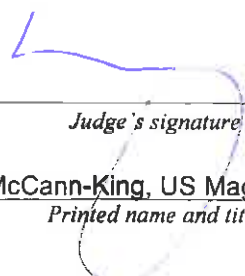
☒ Continued on the attached sheet.

Complainant's signature

Nathan J. Rasper, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/27/2014City and state: Columbus, OH
Judge's signature

Norah McCann-King, US Magistrate Judge

Printed name and title

AFFIDAVIT OF
NATHAN J. RASPER
DEPORTATION OFFICER
IMMIGRATION AND CUSTOMS ENFORCEMENT

I, Nathan J. Rasper, being first duly sworn, depose and say:

1. That I am a Deportation Officer with over 8 years of experience as an Immigration Officer with United States Immigration and Customs Enforcement (ICE). I am assigned to the Columbus, Ohio office of Enforcement and Removal Operations (ERO). I have investigated both criminal and administrative matters involving aliens in the United States. I have successfully completed the Immigration Enforcement Agent course at the Federal Law Enforcement Training Center (FLETC) at Glynco, GA.

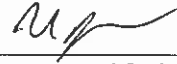
My investigation has revealed the following facts:

2. That on or about 05/19/2011, LOPEZ-Rodriguez was convicted of Corrupt Organizations and Criminal Conspiracy under Title 18, section 911(b1), 911(b2), 911(b3), 903 of the Pennsylvania Code and was sentenced to 1-2 years' incarceration. On the same date, LOPEZ-Rodriguez was also convicted of Manufacturing / Delivery / Possession with Intent to Manufacture / Deliver a Drug, Poison and /or Dangerous Substance under Title 35, section 780-113 of the Pennsylvania Code and was sentenced to 4-8 years' incarceration. These convictions originated from the 5th judicial district of Pennsylvania, Allegheny County Court of Common Pleas.
3. That on or about 01/22/2013, Jose LOPEZ-Rodriguez was ordered removed by an Immigration Official in York, Pennsylvania pursuant to his criminal convictions that constitute an Aggravated Felony under section 101(a)(43)(J) of the Immigration and Nationality Act. LOPEZ-Rodriguez was physically removed from the United States subsequent to that order via the Brownsville, TX port of entry on or about 01/25/2013. On that day, LOPEZ-Rodriguez surrendered his fingerprint and photo for Immigration Form I-205 (Warrant of Removal/Deportation), which he signed. LOPEZ-Rodriguez's departure was witnessed and signed by an Immigration Officer.
4. That on 10/24/2014, LOPEZ-Rodriguez was encountered by the Columbus, Ohio ICE/ERO Fugitive Operations team as a targeted criminal alien that has been previously removed from the US. Biometrics and record checks revealed LOPEZ-Rodriguez had a prior Order of Removal from the United States and that LOPEZ-Rodriguez is subject to prosecution for illegal re-entry, being found in the United States after being barred for life.

5. That on or about 10/24/2014, LOPEZ-Rodriguez admitted freely and voluntarily to an Immigration Official that he had re-entered the United States illegally at an unknown place and on an unknown date. LOPEZ-Rodriguez further admitted that he did not receive permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security for this entry.

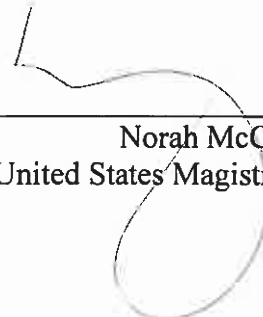
6.) *LOPEZ-Rodriguez is a citizen of Mexico. m*

Your Affiant uses the above facts to establish probable cause for a violation of 8 U.S.C. §§ 1326(a) and (b)(2), an alien who: (1) has been denied admission, excluded, deported, or removed, or has departed the United States subsequent to a conviction for an aggravated felony and while an order of exclusion, deportation, or removal is outstanding, and thereafter(2) enters, attempts to enter, or is at any time found in, the United States, unless prior to re-embarkation at a place outside the United States or an application for admission from a foreign contiguous territory, the Attorney General has expressly consented to such alien's reapplying for admission.



Nathan J. Rasper
Deportation Officer
Immigration and Customs Enforcement

Sworn before me and subscribed in my presence on this 27th day of
October, 2014.



Norah McCann-King
United States Magistrate Judge